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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/932,802 | 08/17/2001 | Jon Hall | IN-5521 | 5868 |

26922 7590 11/26/2004

BASF CORPORATION
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EXAMINER

JACKSON, MONIQUE R

| ART UNIT | PAPER NUMBER |
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1773

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,802

Applicant(s)

HALL ET AL.

Examiner

Monique R Jackson

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-14,16-41 and 43-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-14,16-41 and 43-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed 9/20/04 has been entered. Claims 1-4, 6-14, 16-41 and 43-70 are pending in the application. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. Claims 1-4, 6-14, 16-41 and 43-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatsuya et al as generally recited in a prior office action however in view of Anders et al (USPN 6,005,024) and in further view of Spencer et al, Murayama et al, Schimmel et al and Zhao et al. The teachings of Tatsuya et al in view of Spencer et al, Murayama et al, Schimmel et al and Zhao et al are discussed in detail in a prior office action, and address the claim limitations of the instant invention except for the fact that Tatsuya et al do not specifically disclose that the phosphorescent pigment can be included within the clear coat of the composite film. However, Anders et al teach a phosphorescent coating system wherein phosphorescent pigment, namely MAI_2O_4 , wherein M may be Sr, is included in a transparent resin overlay to provide a phosphorescent protective coating layer on an article, including automobile parts, that provides not only improved durability and longer life, but also increased brightness and longer afterglow times hence providing the article with protection from environmental factors as well as dark or non-daylight visibility (Abstract; Col. 1, line 45-Col. 2, line 64; Col. 3, lines 45-54; Col. 5, line 12-Col. 6, line 5.) Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to also include phosphorescent pigment in the transparent or clear coat layer of the invention taught by Tatsuya et al in order to provide a higher luminance of emitted light and longer afterglow times over other phosphorescent coating systems as taught by

Art Unit: 1773

Anders et al or to utilize the transparent phosphorescent protective coating taught by Anders et al to provide improved durability and longer life as well as increased brightness and longer afterglow times, utilizing routine experimentation to determine the optimum phosphorescent pigment and amount to provide the desired phosphorescent properties for a particular end use.


Response to Arguments

3. Applicant's arguments filed 9/20/04 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique R. Jackson
Primary Examiner
Technology Center 1700
November 22, 2004